

AMENDED IN ASSEMBLY APRIL 15, 2009

AMENDED IN ASSEMBLY MARCH 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 144

Introduced by Assembly Member Ma

January 22, 2009

An act to amend Section 1465.6 of the Penal Code, and to amend Sections 4461, 4463, 22511.57, 40000.7, and 42001.13 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 144, as amended, Ma. Vehicles: distinguishing placards and special license plates.

(1) Existing law prohibits a person to whom a disabled person placard has been issued from lending the placard to another person, and prohibits a disabled person from knowingly permitting the use of the placard, or special license plates for a disabled person or disabled veteran, for parking purposes by one not entitled to the placard or license plates. Existing law also generally prohibits a person from displaying a disabled person placard that was not issued to him or her or that has been canceled or revoked as specified, and prohibits a person using a vehicle displaying special license plates issued to another person from parking in specified parking stalls or spaces designated for disabled persons, unless transporting a disabled person. A violation of any of those prohibitions is a misdemeanor punishable by a fine of not less than \$250 and not more than \$1,000, imprisonment in the county jail for not more than 6 months, or both that fine and imprisonment. Existing law also provides that a person who, with fraudulent intent, displays or causes

or permits to be displayed a forged, counterfeit, or false disabled person placard is guilty of a misdemeanor, punishable by a fine of not less than \$500 and not more than \$1,000, imprisonment in a county jail for 6 months, or both that fine and imprisonment.

This bill would make all of those violations punishable as either a misdemeanor or ~~infraction~~ *by the issuance of a parking citation*. If treated as ~~an infraction~~ *a parking violation*, a violation would be punishable by a ~~fine~~ *civil penalty* of not less than \$250 and not more than \$1,000. The punishment would remain the same for a violation treated as a misdemeanor, except that the fine for a misdemeanor punishment for a person who, with fraudulent intent, displays or causes or permits to be displayed a forged, counterfeit, or false disabled person placard would be not less than \$250, rather than not less than \$500, and not more than \$1,000.

(2) Existing law authorizes a local authority, as defined, by ordinance or resolution, to prohibit or restrict the parking or standing of a vehicle on streets or highways or in a disabled person's parking space at an offstreet parking facility within its jurisdiction when the vehicle displays a distinguishing placard issued to a disabled person or disabled veteran, and the records of the Department of Motor Vehicles indicate that the placard has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported as being deceased for a period exceeding 60 days.

This bill, instead, would authorize a local authority, by ordinance or resolution, to prohibit or restrict the parking or standing of a vehicle on one of those areas in its jurisdiction when the vehicle displays that distinguishing placard, a temporary distinguishing placard, or a special license plate issued to a disabled person, disabled veteran, or specified organizations, and the records of the department indicate the placard or license plate has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported deceased for a period exceeding 60 days; the placard or license plate is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the placard or license plate was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or the placard or license plate is counterfeit, forged, altered, or mutilated. Because a violation of these provisions would be an infraction, the bill would impose a state-mandated local program.

(3) Existing law imposes specified fines on a person convicted of a first, 2nd, 3rd, or subsequent offense related to parking or leaving a vehicle without a distinguishing placard or special license plate in a parking space designated for disabled persons and disabled veterans, blocking access to those parking spaces, or parking or leaving standing a vehicle on the lines marking the boundaries of one of those parking spaces or in any area of the pavement adjacent to one of those parking spaces that is marked by crosshatched lines and is designated for the loading and unloading of vehicles parked in the parking space.

This bill, instead, would require a person ~~convicted of~~ *who commits* one of those offenses or one of the offenses described in (2) to be ~~punished by a fine~~ *subject to the issuance of a parking citation imposing a civil penalty* of not less than \$250 and not more than \$1,000, regardless of whether the person previously ~~had been convicted of~~ *committed* the offense.

(4) Existing law requires an additional assessment equal to 10% of the fine, penalty, or forfeiture imposed under specified provisions of the Vehicle Code to be imposed by each county for a violation of specified provisions of the Vehicle Code.

This bill would require the additional assessment to also be imposed for a fine, penalty, or forfeiture for a violation described in (2).

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1465.6 of the Penal Code is amended to
2 read:
3 1465.6. In addition to an assessment levied pursuant to Section
4 1465.5 of this code, or any other law, an additional assessment
5 equal to 10 percent of the fine, penalty, or forfeiture imposed under
6 Section 42001, 42001.5, or 42001.13 of the Vehicle Code shall be
7 imposed by each county for a violation of Section 22507.8,
8 22511.57, or 22522 of the Vehicle Code. An assessment imposed

1 pursuant to this section shall be deposited in the general fund of
2 the city or county wherein the violation occurred.

3 SEC. 2. Section 4461 of the Vehicle Code is amended to read:

4 4461. (a) A person shall not lend a certificate of ownership,
5 registration card, license plate, special plate, validation tab, or
6 permit issued to him or her if the person desiring to borrow it would
7 not be entitled to its use, and a person shall not knowingly permit
8 its use by one not entitled to it.

9 (b) A person to whom a disabled person placard has been issued
10 shall not lend the placard to another person, and a disabled person
11 shall not knowingly permit the use for parking purposes of the
12 placard or identification license plate issued pursuant to Section
13 5007 by one not entitled to it. A person to whom a disabled person
14 placard has been issued may permit another person to use the
15 placard only while in the presence or reasonable proximity of the
16 disabled person for the purpose of transporting the disabled person.
17 A violation of this subdivision is ~~an infraction punishable by a fine~~
18 *subject to the issuance of a parking citation imposing a civil*
19 *penalty* of not less than two hundred fifty dollars (\$250) and not
20 more than one thousand dollars (\$1,000), or *is* a misdemeanor
21 punishable by a fine of not less than two hundred fifty dollars
22 (\$250) and not more than one thousand dollars (\$1,000),
23 imprisonment in the county jail for not more than six months, or
24 both that fine and imprisonment.

25 (c) Except for the purpose of transporting a disabled person as
26 specified in subdivision (b), a person shall not display a disabled
27 person placard that was not issued to him or her or that has been
28 canceled or revoked pursuant to Section 22511.6. A violation of
29 this subdivision is ~~an infraction punishable by a fine~~ *subject to the*
30 *issuance of a parking citation imposing a civil penalty* of not less
31 than two hundred fifty dollars (\$250) and not more than one
32 thousand dollars (\$1,000), or *is* a misdemeanor punishable by a
33 fine of not less than two hundred fifty dollars (\$250) and not more
34 than one thousand dollars (\$1,000), imprisonment in the county
35 jail for not more than six months, or both that fine and
36 imprisonment.

37 (d) Notwithstanding subdivisions (a), (b), and (c), a person using
38 a vehicle displaying a special identification license plate issued to
39 another pursuant to Section 5007 shall not park in those parking
40 stalls or spaces designated for disabled persons pursuant to Section

1 22511.7 or 22511.8, unless transporting a disabled person. A
2 violation of this subdivision is ~~an infraction punishable by a fine~~
3 *subject to the issuance of a parking citation imposing a civil*
4 *penalty* of not less than two hundred fifty dollars (\$250) and not
5 more than one thousand dollars (\$1,000), or *is* a misdemeanor
6 punishable by a fine of not less than two hundred fifty dollars
7 (\$250) and not more than one thousand dollars (\$1,000),
8 imprisonment in the county jail for not more than six months, or
9 both that fine and imprisonment.

10 (e) For the purposes of subdivisions (b) and (c), “disabled
11 person placard” means a placard issued pursuant to Section
12 22511.55 or 22511.59.

13 SEC. 3. Section 4463 of the Vehicle Code is amended to read:

14 4463. (a) A person who, with intent to prejudice, damage, or
15 defraud, commits any of the following acts is guilty of a felony
16 and upon conviction thereof shall be punished by imprisonment
17 in the state prison for 16 months or two or three years, or by
18 imprisonment in a county jail for not more than one year:

19 (1) Alters, forges, counterfeits, or falsifies a certificate of
20 ownership, registration card, certificate, license, license plate,
21 device issued pursuant to Section 4853, special plate, or permit
22 provided for by this code or a comparable certificate of ownership,
23 registration card, certificate, license, license plate, device
24 comparable to that issued pursuant to Section 4853, special plate,
25 or permit provided for by a foreign jurisdiction, or alters, forges,
26 counterfeits, or falsifies the document, device, or plate with intent
27 to represent it as issued by the department, or alters, forges,
28 counterfeits, or falsifies with fraudulent intent an endorsement of
29 transfer on a certificate of ownership or other document evidencing
30 ownership, or with fraudulent intent displays or causes or permits
31 to be displayed or have in his or her possession a blank, incomplete,
32 canceled, suspended, revoked, altered, forged, counterfeit, or false
33 certificate of ownership, registration card, certificate, license,
34 license plate, device issued pursuant to Section 4853, special plate,
35 or permit.

36 (2) Utters, publishes, passes, or attempts to pass, as true and
37 genuine, a false, altered, forged, or counterfeited matter listed in
38 paragraph (1) knowing it to be false, altered, forged, or
39 counterfeited.

(b) A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in a county jail for six months, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or both that fine and imprisonment, which penalty shall not be suspended:

(1) Forges, counterfeits, or falsifies a disabled person placard or a comparable placard relating to parking privileges for disabled persons provided for by a foreign jurisdiction, or forges, counterfeits, or falsifies a disabled person placard with intent to represent it as issued by the department.

(2) Passes, or attempts to pass, as true and genuine, a false, forged, or counterfeit disabled person placard knowing it to be false, forged, or counterfeited.

(3) Acquires, possesses, sells, or offers for sale a genuine or counterfeit disabled person placard.

(c) A person who, with fraudulent intent, displays or causes or permits to be displayed a forged, counterfeit, or false disabled person placard, ~~is guilty of an infraction punishable by a fine subject to the issuance of a parking citation imposing a civil penalty of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000) or , or is guilty of a misdemeanor punishable by imprisonment in a county jail for six months, a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), or both that fine and imprisonment, which penalty shall not be suspended.~~

(d) For purposes of subdivision (b) or (c), “disabled person placard” means a placard issued pursuant to Section 22511.55 or 22511.59.

(e) A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of an infraction, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) and not more than two hundred fifty dollars (\$250) for a first offense, not less than two hundred fifty dollars (\$250) and not more than five hundred dollars (\$500) for a second offense, and not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000) for a third or subsequent offense, which penalty shall not be suspended:

1 (1) Forges, counterfeits, or falsifies a Clean Air Sticker or a
2 comparable clean air sticker relating to high occupancy vehicle
3 lane privileges provided for by a foreign jurisdiction, or forges,
4 counterfeits, or falsifies a Clean Air Sticker with intent to represent
5 it as issued by the department.

6 (2) Passes, or attempts to pass, as true and genuine, a false,
7 forged, or counterfeit Clean Air Sticker knowing it to be false,
8 forged, or counterfeited.

9 (3) Acquires, possesses, sells, or offers for sale a counterfeit
10 Clean Air Sticker.

11 (4) Acquires, possesses, sells, or offers for sale a genuine Clean
12 Air Sticker separate from the vehicle for which the department
13 issued that sticker.

14 (f) As used in this section, "Clean Air Sticker" means a label
15 or decal issued pursuant to Sections 5205.5 and 21655.9.

16 SEC. 4. Section 22511.57 of the Vehicle Code is amended to
17 read:

18 22511.57. A local authority may, by ordinance or resolution,
19 prohibit or restrict the parking or standing of a vehicle on streets
20 or highways or in a disabled person's parking stall or space of a
21 privately or publicly owned or operated offstreet parking facility
22 within its jurisdiction when the vehicle displays, in order to obtain
23 special parking privileges, a distinguishing placard or special
24 license plate, issued pursuant to Section 5007, 22511.55, or
25 22511.59, and any of the following conditions are met:

26 (a) The records of the Department of Motor Vehicles for the
27 identification number assigned to the placard or license plate
28 indicate that the placard or license plate has been reported as lost,
29 stolen, surrendered, canceled, revoked, or expired, or was issued
30 to a person who has been reported as deceased for a period
31 exceeding 60 days.

32 (b) The placard or license plate is displayed on a vehicle that is
33 not being used to transport, and is not in the reasonable proximity
34 of, the person to whom the license plate or placard was issued or
35 a person who is authorized to be transported in the vehicle
36 displaying that placard or license plate.

37 (c) The placard or ~~license~~ license plate is counterfeit, forged,
38 altered, or mutilated.

39 SEC. 5. Section 40000.7 of the Vehicle Code is amended to
40 read:

1 40000.7. A violation of any of the following provisions is a
2 misdemeanor, and not an infraction:

3 (a) Section 2416, relating to regulations for emergency vehicles.

4 (b) Section 2800, relating to failure to obey an officer's lawful
5 order or submit to a lawful inspection.

6 (c) Section 2800.1, relating to fleeing from a peace officer.

7 (d) Section 2801, relating to failure to obey a firefighter's lawful
8 order.

9 (e) Section 2803, relating to unlawful vehicle or load.

10 (f) Section 2813, relating to stopping for inspection.

11 (g) Subdivisions (b), (c), and (d) of Section 4461 and
12 subdivisions (b) and (c) of Section 4463, relating to disabled person
13 placards and disabled person and disabled veteran license plates,
14 except as otherwise provided by those subdivisions.

15 (h) Section 4462.5, relating to deceptive or false evidence of
16 vehicle registration.

17 (i) Section 4463.5, relating to deceptive or facsimile license
18 plates.

19 (j) Section 5500, relating to the surrender of registration
20 documents and license plates before dismantling may begin.

21 (k) Section 5506, relating to the sale of a total loss salvage
22 vehicle, or of a vehicle reported for dismantling by a salvage
23 vehicle rebuilder.

24 (l) Section 5753, relating to delivery of certificates of ownership
25 and registration when committed by a dealer or any person while
26 a dealer within the preceding 12 months.

27 (m) Section 5901, relating to dealers and lessor-retailers giving
28 notice.

29 (n) Section 8802, relating to the return of canceled, suspended,
30 or revoked certificates of ownership, registration cards, or license
31 plates, when committed by a person with intent to defraud.

32 (o) Section 8803, relating to return of canceled, suspended, or
33 revoked documents and license plates of a dealer, manufacturer,
34 remanufacturer, transporter, dismantler, or salesman.

35 SEC. 6. Section 42001.13 of the Vehicle Code is amended to
36 read:

37 42001.13. (a) A person ~~convicted of an infraction for who~~
38 ~~commits~~ a violation of Section 22507.8 or 22511.57 ~~shall be~~
39 ~~punished by a fine~~ is subject to the issuance of a parking citation

1 *imposing a civil penalty* of not less than two hundred fifty dollars
2 (\$250) and not more than one thousand dollars (\$1,000).

3 (b) The court may suspend the imposition of the ~~fine~~ *penalty* if
4 the person ~~convicted~~ possessed at the time of the offense, but failed
5 to display, a valid special identification license plate issued
6 pursuant to Section 5007 or a distinguishing placard issued
7 pursuant to Section 22511.55 or 22511.59.

8 (c) A ~~fine~~ *penalty* imposed under this section may be paid in
9 installments if the court determines that the ~~defendant~~ *person* is
10 unable to pay the entire amount in one payment.

11 SEC. 7. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.